

3536.670 Government rights to plans, specifications, and drawings.

All solicitations and contracts for architect-engineer services or for construction involving architect-engineer services, except those involving "standard types of construction", shall contain the clause at 3552.227-70, Government Rights, as prescribed at 3527.304-3(b).

PART 3537—SERVICE CONTRACTING

Sec.

3537.000 Scope of part.

Subpart 3537.1—Service Contracts—General

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Subpart 3537.2—Advisory and Assistance Services

3537.200 Scope of subpart.

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3537.270 Duration.

AUTHORITY: 40 U.S.C. 486(c).

SOURCE: 55 FR 7662, Mar. 2, 1990, unless otherwise noted.

3537.000 Scope of part.

This part implements FAR part 37 and provides additional Commission policies and procedures for the acquisition of personal and nonpersonal services, including advisory and assistance services.

Subpart 3537.1—Service Contracts—General**3537.102 Policy.**

(a) The Commission's policy regarding the contracting out of commercial services is set forth at 3507.301.

3537.104 Personal services contracts.

(b) Authority for the acquisition by contract of the personal services of experts and consultants is found at 5 U.S.C. 3109 which provides that, when authorized by an appropriation or

other statute, the head of an agency may acquire by contract the temporary (not to exceed one year) or intermittent services of experts or consultants. For the purpose of this section, the terms "experts" and "consultants" are not interchangeable. Consequently, their meanings are distinguishable from the meaning of the collective term "Individual experts and consultants" at FAR 37.203(a). As used herein, an "expert" is an individual who is a recognized professional or highly skilled practitioner normally used to perform or supervise an operating function, rather than to provide advisory or consulting services. A "consultant", as used herein, is an individual possessing special, current knowledge or skill who primarily serves in an advisory capacity in a particular field, rather than in the performance or supervision of an operating function. Acquiring the personal services of individual experts or consultants shall be subject to the limitations applicable to advisory and assistance services at FAR 37.202(c). In addition, the services of individual experts and consultants shall be acquired through personal services contracts only—

(1) When the services required cannot be obtained by appointment in accordance with standard Commission personnel procedures, and

(2) If the nature of the duties to be performed is temporary (not more than one year) or intermittent (not cumulatively more than 130 days in one year). Accordingly, no such contract shall be entered into for longer than one year at a time.

3537.104-70 Procedures.

Requests for the acquisition of personal services should include:

(a) A description of the services to be performed;

(b) Name and address of the person or firm;

(c) Background material to show the unique qualifications of such person or firm to accomplish the requirement;

(d) Place where the duties are to be performed and the period of service;

(e) The estimated cost; and

(f) Determinations that:

(1) It is not feasible to obtain personnel with the necessary skills